

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

OLUFOLAJIMI ABEGUNDE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 1:25-cv-00562-BAM (PC)

ORDER GRANTING MOTION FOR E-
FILING ACCESS
(ECF No. 9)

ORDER DENYING MOTION FOR ORDER
DIRECTING SERVICE OF THE SUMMONS
AND COMPLAINT AS PREMATURE
(ECF No. 10)

Plaintiff Olufolajimi Abegunde (“Plaintiff”) is a former federal prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 1346(b). Plaintiff’s complaint has not yet been screened.

Currently before the Court are Plaintiff’s motion for E-Filing access and motion for an order directing service of the summons and complaint, filed May 27, 2025. (ECF Nos. 9, 10.)

I. Motion for E-Filing Access

Plaintiff moves the Court for an order authorizing Plaintiff to register as an electronic filer, or e-filer, through PACER. (ECF No. 9.) Plaintiff currently resides in Lagos, Nigeria, and although he has supplied a United States address for court correspondence, Plaintiff is relying on third parties to receive and forward his mail internationally. Plaintiff states that he has familiarized himself with the Court’s Local Rules pertaining to electronic filing and will adhere to

1 these rules. Plaintiff understands that e-filing is a privilege the Court can revoke at any time if
2 there is abuse or for other good cause. Plaintiff has also completed and submitted the Petition by
3 Pro Se Litigant for ECF Registration and Consent to Electronic Service, indicating Plaintiff's
4 understanding that his ECF login and password shall serve and constitute as his signature, that he
5 consents to receive service electronically and waives the right to receive service by first class
6 mail, and that service by electronic means is complete upon transmission of the Notice of
7 Electronic Filing ("NEF"). (*Id.* at 3–4.) Plaintiff has provided an email address. (*Id.* at 2.)

8 Based on a review of the materials submitted, Plaintiff's motion to proceed as an e-filer in
9 this action is granted. Plaintiff shall obtain e-filing access by creating an account through
10 PACER, accessible at <https://pacer.login.uscourts.gov>. Plaintiff is reminded that until he creates
11 an account through PACER, he remains responsible for filing all documents in paper form
12 (including a non-electronic signature), and that electronic filing privileges can be withdrawn at
13 any time at the discretion of the Court.

14 **II. Motion for Order Directing Service of the Summons and Complaint**

15 Plaintiff further requests an order directing the Clerk of the Court and U.S. Marshals to
16 serve the United States with the summons and complaint in this action, pursuant to Federal Rule
17 of Civil Procedure 4 and Plaintiff's *in forma pauperis* status.

18 Plaintiff's request for service is premature. The Court is required to screen complaints
19 brought by prisoners seeking relief against a governmental entity or officer or employee of a
20 governmental entity. 28 U.S.C. § 1915A(a); 42 U.S.C. § 1997e(c). The Court is also authorized
21 to screen complaints brought by plaintiffs proceeding *in forma pauperis*. 28 U.S.C. § 1915(e).
22 Although Plaintiff is no longer a prisoner, he is proceeding *in forma pauperis* in this action. As
23 noted above, Plaintiff's complaint has not yet been screened. The Court will direct service of
24 process only after Plaintiff's complaint has been screened and found to state cognizable claims
25 for relief. Once the complaint is screened and found to have stated a cognizable claim against
26 any defendant the Court will provide Plaintiff with further instructions regarding service of
27 process. Plaintiff does not need to request service. Plaintiff's complaint will be screened in due
28 course.

III. Order

Based on the foregoing, IT IS HEREBY ORDERED as follows:

1. Plaintiff's motion for e-filing access, (ECF No. 9), is GRANTED;
2. Plaintiff's motion for order directing service of the summons and complaint, (ECF No. 10), is DENIED as premature;
3. Plaintiff is DIRECTED to obtain e-filing access by creating an account through PACER, accessible at <https://pacer.login.uscourts.gov>; and
4. Plaintiff is reminded that until he creates an account through PACER, he remains responsible for filing all documents in paper form (including a non-electronic signature), and that electronic filing privileges can be withdrawn at any time at the discretion of the Court.

IT IS SO ORDERED.

Dated: May 28, 2025

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE